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## DOMENICI SECURES ADDED FUNDING FOR RIO GRANDE HABITAT RESTORATION & SILVERY MINNOW RECOVERY

### Committee Keeps Amendment Restricting Rio Grande, Pecos Takeover

WASHINGTON -- U.S. Senator Pete Domenici today highlighted nearly \$16.8 million in funding he included in his **FY2001 Energy and Water Development Appropriations Bill** to help secure the future of the Rio Grande and endangered species that depend on its water.

Domenici serves on the Senate Appropriations Committee that today approved the \$22.4 billion Energy and Water Development spending measure that funds the Department of Energy, as well as Army Corps of Engineers and Bureau of Reclamation water projects. The bill next goes to the full Senate for consideration.

The bill provides money for a wide variety of ongoing and new activities aimed at supporting the health of the Rio Grande as the domicile for listed endangered species. At the same time, the Senate Appropriations Committee kept a Domenici-authored provision that prohibits the Department of Interior from implementing a solicitor's opinion that would federalize activities of the Middle Rio Grande Conservancy District (MRGCD), and ends another Bureau effort to do the same with the Fort Sumner Irrigation District (FSID).

Domenici, chairman of the Energy and Water Development Appropriations Subcommittee, asserted that his bill is generous and balanced in its approach to meeting the wide variety of demands on the Rio Grande.

"I cannot allow a wholesale federal take over of the Rio Grande. But the funding I've included in this bill will allow the federal government to continue to work on the river to ensure it remains a suitable wildlife habitat and a source of life for those who live along its banks," Domenici said.

Specifically related to Rio Grande habitat and its water flow, Domenici said his bill provides more than \$16.79 million in Army Corps of Engineers and Bureau of Reclamation funding. The following is a review of that funding:

**Middle Rio Grande Project:** \$14.84 million, a \$3.75 million increase over President Clinton's budget request for the Bureau of Reclamation's Middle Rio Grande Project. Of the increase secured by Domenici, the funding will be used for:

- Continuation of Rio Grande habitat and restoration activities started last year (\$3.0 million);
- Research, monitoring, and modeling of evapotranspiration (\$500,000); and,
- Implementation of a program to transplant minnow larvae and young in the Rio Grande (\$258,000), with the state of New Mexico to provide matching funds.

**Middle Rio Grande Project/Water Acquisition:** Included within the aforementioned \$14.84 million amount is \$930,000 in Bureau of Reclamation funding for water acquisition for endangered species.

**Rio Grande Basin (New Mexico Study):** \$600,000 is provided, \$100,000 over the president's budget request. Domenici added the new funding for Army Corps of Engineers fish mobility studies on Rio Grande between San Acacia Dam and Elephant Butte Reservoir.

**Projects for Improvement of the Environment:** \$100,000 in Army Corps of Engineers funding is included to improve habitat of the silvery minnow in the Rio Grande.

There was no funding in the president's budget for this work.

**Upper Rio Grande Water Operations Model:** \$1.25 million, added by Domenici and not requested by the president, for the Army Corps of Engineers for management of resources in the basin, as well as to complete testing, and continue model refinement and stakeholder coordination.

Not specific to New Mexico, but available if needed, the bill provides \$5.0 million for **Drought Emergency Assistance**. This level is \$4.5 million above the president's budget request and will fund Bureau of Reclamation water rights leasing in areas affected by severe drought conditions in the West, including New Mexico. The bill includes the same Domenici-authored language contained in the FY 2000 Energy and Water Development Act setting leasing conditions and compliance with existing state water laws.

*(The FY2001 Interior Appropriations Bill, which was today approved, 97-2, by the Senate, also includes \$800,000 through the Fish and Wildlife Service ecological services program for the bosque preservation initiative started by Domenici. This level of funding is \$252,000 above the president's budget request and reflects Domenici's request for additional funding to continue the bosque ecosystem monitoring program and work associated with an April fire in the bosque.)*

The Energy and Water Development Appropriations Bill continues to include the Domenici amendment that simply prohibits the Department of Interior from using any funds to force the MRGCD or the FSID to surrender water rights in an effort to drastically increase water flows in the Rio Grande and Pecos River, respectively. The amendment would allow the Interior Department to move forward with its water flow directive, but only if an agreement is reached with New Mexico water rights holders and the State Engineer, or "by a final non-appealable court order."

The Albuquerque Bureau of Reclamation Area Manager in early July sent a letter to MRGCD stating that the district operates as an agent of the United States, and should operate its "transferred works" to allow 300 cubic feet per second (cfs) of water to bypass San Acacia Dam.

Despite the fact that an October 1999 Biological Assessment stated that the Bureau of Reclamation did not have a controlling property interest in MRGCD facilities, Interior Department Solicitor John Leshy issued a brief opinion on June 19 stating that the Bureau has title to MRGCD facilities.

The Bureau has also asked the FSID to give up its water from the Pecos River within six months, or the federal government will take over the district's facilities.

Federal District Court Judge James Parker is scheduled to conduct a July 24 hearing on the lawsuit filed by environmental groups last fall to force the Bureau of Reclamation and Army Corps of Engineers to keep the Rio Grande wet.

(See Domenici web site, [www.senate.gov/~domenici/press](http://www.senate.gov/~domenici/press), July 13, to access actual text of Domenici's Rio Grande amendment.)